

Serial No. 10/531,675

### REMARKS

Claims 1-2 are now pending. The Applicants respectfully request the Examiner to carefully consider allowance of the claims in view of amendments to the application and the following remarks as well as the evidence presented in the rule 132 Declaration appended hereto.

#### 35 USC §112, Paragraph 2

The Applicants respectfully address the rejection set forth by the Examiner by amending claim 2 to require the positive step of *culturing* the strain

Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection.

#### 35 USC §112, Paragraph 1, Enablement

As of November 21, 2002, *Corynebacterium ammoniagenes* strain CJXOL 0201 is deposited under the Budapest Treaty at the Korean Culture Center of Microorganisms under accession Number KCCM 10447. This specific and isolated strain, i.e., *Corynebacterium ammoniagenes* strain CJXOL 0201 (accession Number KCCM 10447), will be irrevocably and without restriction or condition released to the public and available upon the issuance of a U.S. patent. The Applicants, therefore, respectfully request the Examiner to withdraw the rejection.

#### 35 USC §101

The Applicants respectfully amend claim 1 to require isolated *Corynebacterium ammoniagenes* strain CJXOL 0201 (accession Number KCCM 10447). The Applicants further address the rejection set forth by the Examiner by amending claim 2 to require the positive step of *culturing* the strain

Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection.

#### 35 USC §102

The Applicants respectfully present relevant facts in a Declaration under 37 CFR 1.132 attached hereto to document, *inter alia*, the fact that *Corynebacterium ammoniagenes* CJXOL 0201 (Accession Number: KCCM 10447) and *Corynebacterium ammoniagenes* AGRI 67-52 (VKPM B-8004) are physiologically distinct, as illustrated by their characteristic and distinct resistance to oligomycin.

Serial No. 10/531,675

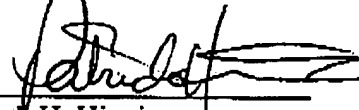
Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection.

\* \* \*

The Applicants respectfully submit that claims 1-2 are in condition for allowance. Early action toward this end is courteously solicited. The Examiner is kindly encouraged to telephone the undersigned in order to expedite any detail of the prosecution.

The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 02-4800.

Respectfully submitted,



Patrick H. Higgins  
Attorney for the Applicants  
Registration No. 39,709

December 19, 2006

**Buchanan Ingersoll & Rooney PC**  
P.O. Box 1404, Alexandria  
VA 22313-1404  
(609) 987-6811 (voice)